

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0903

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-107, and 33-1612, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled during the last two weeks of August and first two weeks of September. Hearings will take place throughout the state. For information, times, and locations about the public hearings please visit www.sde.idaho.gov and click on "Public Comments."

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Middle Level Task Force was created in May 2007 to examine middle school issues as recommended by the High School Redesign efforts. Two goals of the task force were to ensure all students are prepared to be successful in high school and to increase academic engagement and student accountability for middle school students through a relevant and rigorous curriculum. Desired outcomes included ensuring all students are prepared to be successful in high school and beyond and to improve student preparation for high school and post-secondary education. To achieve these goals and work toward the desired outcomes, the Middle Level Task Force determined that students need to be introduced to the language and concept of a credit system before entering high school. The task force recognizes the need for flexibility for individual districts and schools to have credit requirements that can be fitted to their unique needs and structures and has kept this need at the forefront of their considerations.

This rule change would require each LEA (local education agency) or district to design and implement a credit system starting no later than the seventh grade. The effective date is July 1, 2010 (for the 2010-2011 school year). Students entering the 7th grade at the beginning of the 2010-2011 school year would have to meet credit requirements or complete an alternate mechanism to be promoted to the 8th grade.

Each LEA's middle level credit system must include the following minimum requirements:

1. Students shall be required to attain a minimum of 80% of their credits in order to be promoted to the next grade level.
2. Students will not be allowed to lose a full year of credit in one area (i.e. a student would not be able to fail a full year of math).
3. Students not meeting (or in jeopardy of not meeting) credit requirements will be given an opportunity to recover credits or complete an alternate mechanism in order to be eligible for promotion to the next grade level.
4. Attendance is a factor either in the credit system or the alternate mechanism or both.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the recommendations for change were proposed by the Middle Level Task Force which was comprised of a variety of stakeholders. Stakeholder organizations that were also consulted include the Idaho Middle Level Association, Idaho Council on Developmental Disabilities, Idaho Parent-Teacher Association and the Idaho Education Association.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rob Sauer at (208) 332-6934.

The comment period for this rulemaking has been extended. Anyone may submit written comments regarding this rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Friday, September 11, 2009.

Anyone may submit written comments at the public hearing regarding this rulemaking. Any written comments submitted at a public hearing carry the same weight as oral testimony.

DATED this 1st Day of July, 2009.

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THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 08-0203-0903

107. ~~(RESERVED)~~ MIDDLE LEVEL CREDIT REQUIREMENTS.

A school district or LEA must implement a credit system no later than grade seven (7). The local school district or LEA may establish credit requirements beyond the state minimum. ()

01. Credit Requirements. The credit system shall require students to attain a minimum of eighty percent (80%) of the total credits attempted before the student will be eligible for promotion to the next grade level. A student must attain, at a minimum, a portion of the total credits attempted in each area in which credits are attempted except for areas in which instruction is less than a school year. ()

02. Credit Recovery. A student who does not meet the minimum requirements of the credit system shall be given an opportunity to recover credits or complete an alternate mechanism in order to become eligible for promotion to next grade level. ()

03. Attendance. Attendance shall be an element included in the credit system, alternate mechanism, or both. ()

04. Alternate Mechanism. A school district or LEA may establish an alternate mechanism to determine eligibility for grade level promotion. The alternate mechanism shall require a student to demonstrate proficiency of the appropriate content standards. ()

05. Special Education Students. A student who is eligible for special education services under the Individuals with Disabilities Education Improvement Act may, with the assistance of the student's Individualized Education Program (IEP) team, outline alternate requirements or accommodations to credit requirements as determined by the IEP team and are deemed necessary for the student to complete credit requirements for promotion to the next grade level. ()

06. Limited English Proficient (LEP) students. Limited English Proficient (LEP) students, as defined in Subsection 112.04.d.iv. may, with the assistance of the student's Educational Learning Plan (ELP) team, outline alternate requirements or accommodations to credit requirements as determined by the ELP team and are deemed necessary for the student to complete credit requirements for promotion to the next grade level. ()